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10/025,932	12/26/2001	Maurico Lopez	BS01-320	6440

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EXAMINER

RAMPURIA, SATISH

ART UNIT PAPER NUMBER

2191

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/025,932	Applicant(s) LOPEZ ET AL.	
	Examiner Satish S. Rampuria	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,4,5,7,8,10-16 and 19 is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/29/05</u> . | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. This action is in Responsive to Amendment of (Nov. 1, 2005) and Supplemental to the action mailed (Nov. 16, 2005).
2. Claims cancelled by the Applicant's: 2, 3, 6, 9, 17, 18 and 24.
3. Claims amended by the Applicant's: 1, 7, 8, 10, 11 and 14.
4. Claims 1, 4, 5, 7, 8, 10-16 and 19 allowed.
5. Claims pending in the application: 20-23.

***Reasons for Allowance***

Claims 1, 4, 5, 7, 8, 10-16 and 19 allowed.

The following is an examiner's statement of reasons for allowance:

The cited prior art (Ramraj et al. [2002/0174174 to] and Published document, Sep 1986 to Dasgupta) taken alone or in combination fail to teach, in combination with the other claimed limitations, a system for analyzing a computer application while it is executing without terminating or interrupting the application, comprising: *an object shell console executing on the administration client, the object shell console connected to the application so that it can extract information from the application that defines at least the basic internal structure of the application including at least one object component without interrupting the application or causing the application to terminate, wherein the at least one object component includes a set of methods of an object currently executing within the application and wherein each method of the set includes a list of variables and corresponding values available for the method and a list of arguments and corresponding values passed to or from each method; and... a graphical user*

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*interface presented by the object shell console for presenting at least a portion of the extracted information... wherein the graphical user interface displays the set of methods, receives a selection of one of the methods, displays the list of variables available for the selected method, and displays the list of arguments being passed to or from the selected method, wherein the graphical user interface receives user input specifying an argument value for one of the displayed arguments, and wherein the object shell console passes the argument value for the displayed argument to the selected method within the application, causes the application to re-execute the method with the argument value, and extracts an updated list of variable values and argument values upon the method re-executing to display the updated list of variable values and argument values as recited in the independent claims 1, 8 and 14.*

### ***Claim Objections***

6. Claim 19, 20 and 23 are objected to because of the following informalities:
- Claim 19 is dependent upon the cancelled claim 18. Claim 19 is allowed assuming that it is dependent on claim 14.
  - The status of the claims 20 and 23 should have been "Previously Presented".

Appropriate correction is required.

### ***Double Patenting***

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

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F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 20 and 23 are provisionally rejected under the judicially created doctrine of double patenting over claim 9, the amendment filed on 09/16/2005 of copending Application No. 10/025,774 (hereinafter called '774). This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as shown in the table below.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

<i>Instant Claim</i>	<i>'774 Claim</i>
<p>20. (Currently Amended) <b>A system for analyzing a computer application in real time, comprising:</b></p> <p><b>an application server on which one or more computer applications is executing, one of the one or more computer applications being a computer application to be analyzed;</b></p> <p><b>an administration client;</b></p> <p><b>an object shell console executing on the administration client that can attach to the application to be analyzed to extract information that defines the internal structure of the application and includes at least one object component from the application to be analyzed; and</b></p> <p><b>a graphical user interface in which the information from the application to be analyzed defines the internal structure</b></p>	<p>9. (Previously Presented) <b>A system for modifying an application in substantially real-time during execution without suspending or terminating the application comprising:</b></p> <p><b>an application server running a JAVA virtual machine on which the application executes;</b></p> <p><b>an object shell console that attaches to the application through a JAVA RMI serving as a system independent interface while it is running to obtain program data defining the underlying program structure of the application including at least one object language component;</b></p> <p><b>a graphical user interface in the object shell console that is used to assist a maintenance person in modifying the program data of the</b></p>

<b>including the object component is displayed to a user.</b>	<b>application;</b>
23. (Currently Amended)  The system recited in claim 22, <b>wherein the thread is created using JAVA programming language RMI.</b>	9. (Previously Presented)...  <b>an object shell console that attaches to the application through a JAVA RMI serving as a system independent interface while it is running to obtain program data defining the underlying program structure of the application including at least one object language component;...</b>

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 2002/0174174 to Ramraj et al. (hereinafter called Ramraj) in view of A Probe-Based

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Monitoring Scheme for an Object-Oriented, Distributed Operating System, published in Sep 1986 to Dasgupta (hereinafter called Dasgupta).

**Per claims 20 and 21:**

Ramraj disclose:

- A system for analyzing a computer application in real-time (page 1, paragraph 7 “monitoring a transaction executing on a network computer”), comprising:
  - an application server on which one or more computer applications is executing (page 1, paragraph 21 “simplify application... across networks, including the Internet”), one of the one or more computer applications being a computer application to be analyzed (page 1, paragraph 21 “simplify application... across networks, including the Internet”);
  - an administration client (page 1, paragraph 7 “a network computer”);
  - an object shell console executing on the administration client (page 1, paragraph 7 “transaction executing on a network computer”) that can attach to the application to be analyzed (page 1, paragraph 7 “transaction executing on a network computer”) to extracted information from the application to be analyzed (page 1, paragraph 11 “transaction execution data associated with the executing transaction is captured (extracted) by the monitoring function”); and
  - a graphical user interface in which the information from the application to be analyzed is displayed to a user (page 1, paragraph 7 “web page includes at least on block of processing code for executing a transaction... updating the web page... function for monitoring the transaction”).



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Ramraj does not explicitly disclose that defines at least the basic internal structure of the application including at least one object component, and defines the internal structure including object component, as amended.

However, Dasgupta discloses in an analogous computer system that defines at least the basic internal structure of the application including at least one object component (page 62, section 4.3 System Health Monitoring using Probes “The monitor periodically probes (probe is well known debugging technique to the people of ordinary skill in the art)... components in its list... components are stored in a database... database has... structure and properties”), and defines the internal structure including object component (page 62, section 4.3 System Health Monitoring using Probes “The monitor periodically probes (probe is well known debugging technique to the people of ordinary skill in the art)... components in its list... components are stored in a database... database has... structure and properties”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of extracting information which has the internal structure which has component objects as taught by Dasgupta into the method of monitoring the execution of a transaction as taught by Ramraj. The modification would be obvious because of one of ordinary skill in the art would be motivated to only extract information which are needed to provide an enhance technique for debugging while the program or process is running as suggested by Dasgupta (page 65, section 6. Debugging Support).

**Per claim 22:**

The rejection of claim 20 is incorporated, and further, Ramraj discloses:

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- a thread through which the object shell is attached to the application to be analyzed (page 1, paragraph 9 “the applet includes at least one link to a monitoring code file”).

**10. Claim 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramraj in view of US Patent No. 6,687,702 to Vaitheeswaran et al. (hereinafter called Vaitheeswaran).**

**Per claim 23:**

The rejection of claims 6 and 22 respectively, is incorporated, and further, Ramraj does not explicitly disclose the thread is created using JAVA programming language RMI.

However, Vaitheeswaran discloses in an analogous computer system the thread is created using JAVA programming language RMI (col. 10, lines 33-34 “The Java client(s) 310 invokes a RMI (remote method invocation) call” and col. 10 lines 46-48 “The entire task of invoking the JDBC call (and therefore the corresponding JDBC driver) occurs within one or more threads that are executing at the EJB server 320” also, fig. 3 and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of creating thread using JAVA RMI as taught by Vaitheeswaran into the method of monitoring the execution of a transaction as taught by Ramraj. The modification would be obvious because of one of ordinary skill in the art would be motivated to use JAVA RMI to create thread in network communication between multi-tier database system to provide high speed communication as suggested by Vaitheeswaran (col. 5, lines 10-22).

*Conclusion*


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria  
Patent Examiner/Software Engineer  
Art Unit 2191  
01/18/2006

  
**WEI Y. ZHEN**  
**PRIMARY EXAMINER**